UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
---X
                                               :

DOMINICK VOLINO,   :

                                Plaintiff,   :

                                           :   21 Civ. 6243 (LGS)

                -against-   :

                                           :   ORDER

PROGRESSIVE CASUALTY INSURANCE, et   :
al.,

                              Defendants. :

                                               :

---X

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the parties filed requests for leave to file under seal or as redacted documents their respective oppositions to the motions for summary judgment, responses to the 56.1 Statements of Materials Facts and various accompanying exhibits. The stated reason is that the parties designated these items confidential or highly confidential;

WHEREAS, "[t]he common law right of public access to judicial documents is firmly rooted in our nation's history," this right is not absolute and courts "must balance competing considerations against" the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) (internal quotation marks omitted); *see also Nixon v. Warner Commc'ns., Inc.*, 435 U.S. 589, 599 (1978) ("[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case.");

WHEREAS, the parties' confidentiality designations are not dispositive of whether the public's right of access to judicial documents overcomes competing considerations, such as the need to protect competitively sensitive information. It is hereby
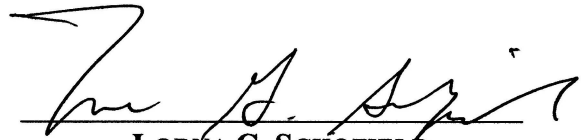
ORDERED that the parties' requests are DENIED without prejudice to renewal. The parties may refile their requests to seal by **August 4, 2023**, with an explanation of the basis for

the request that is sufficient under Second Circuit case law.

The Clerk of Court is respectfully directed to close the motions at Dkt. Nos. 262 and 269.

The Clerk of Court is respectfully directed to maintain all currently sealed documents under seal

pending possible renewed motions to seal by the parties.

Dated: July 28, 2023
       New York, New York

                                                     LORNA G. SCHOFIELD
                                   UNITED STATES DISTRICT JUDGE